

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROOSEVELT WALKER,

Petitioner,

v.

CASE NO. 07-14103  
HONORABLE VICTORIA A. ROBERTS

SUSAN DAVIS,

Respondent.

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**ORDER GRANTING PETITIONER'S MOTION FOR AN ANSWER  
AND GRANTING IN PART PETITIONER'S MOTION FOR AN EXTENSION OF TIME**

On September 28, 2007, petitioner Roosevelt Walker filed a *pro se* application for the writ of habeas corpus and a motion to stay this action so that he could return to state court and exhaust state remedies for four new claims. On November 2, 2007, the Court granted Petitioner's motion for a stay, but conditioned the stay on Petitioner filing a motion for relief from judgment in the trial court within sixty days of the Court's order.

Currently pending before the Court are Petitioner's motion for an extension of time to file his motion for relief from judgment in state court and Petitioner's motion for the Court to address his motion for an extension of time. The latter motion [Doc. 7, Jan. 18, 2008] is GRANTED.

The former motion alleges that Petitioner has been frustrated by his attempt to file a post-conviction motion in state court by the trial court's delay in addressing Petitioner's request for discovery and transcripts. In light of the trial court's delay, Petitioner wants this Court to extend his deadline for filing the motion for relief from judgment. Petitioner also seeks to have this

Court order the state court to provide him with discovery and transcripts, which he allegedly needs before he can file his motion for relief from judgment.

The motion for an extension of time [Doc. 6, Nov. 16, 2007] is GRANTED in part and DENIED in part. The Court GRANTS Petitioner's request for additional time to file his motion for relief from judgment in state court. Petitioner shall have **sixty (60) days** from the date of this order to file his motion for relief from judgment in state court.

The Court DENIES Petitioner's request to compel the state court to supply him with discovery and transcripts. The request is comparable to a petition for a writ of mandamus. "[F]ederal courts have no authority to issue writs of mandamus to direct state courts or their judicial officers in the performance of their duties." *Haggard v. Tennessee*, 421 F.2d 1384, 1386 (6th Cir. 1970). The trial court has discretion to expand the record and to order the prosecutor to provide copies of transcripts or other records. Mich. Ct. R. 6.504(B)(1) and 6.507. Accordingly, the Court DENIES the portion of Petitioner's motion for an extension of time that seeks an order compelling the state court to supply him with discovery and transcripts.

s/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: February 13, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and Roosevelt Walker by electronic means or U.S. Mail on February 13, 2008.

s/Linda Vertriest  
Deputy Clerk